

AMENDED IN SENATE MAY 3, 1999

SENATE BILL

No. 1163

Introduced by Senator Ortiz

February 26, 1999

An act to amend Sections 831.4 and 12002 of the Penal Code, relating to security officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1163, as amended, Ortiz. Security officers.

Existing law establishes various categories of peace officers and other public officers, and specifies their duties and powers.

This bill would provide that a police security officer is a public officer, and not a peace officer, employed by the chief of police of a city whose primary duty is the security of locations or facilities as directed by the chief. These officers would have the authority to carry or possess a firearm, baton, and other safety equipment and weapons, as specified.

Existing law requires each sheriff's security officer to satisfactorily complete a specified course of training within 90 days of assuming his or her duties.

The bill, with respect to a sheriff's security officer completing a specified course of training, would require that the training be completed prior to the officer being assigned to perform his or her duties and would apply this provision to a police security officer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 831.4 of the Penal Code is
2 amended to read:

3 831.4. (a) A sheriff's or police security officer is a
4 public officer, employed by the sheriff of a county or
5 police chief of a city, whose primary duty is the security
6 of locations or facilities as directed by the sheriff or police
7 chief. The duties of a sheriff's or police security officer
8 may include physical security and protection of
9 properties owned, operated, or administered by the
10 county or city, or any municipality or special district
11 contracting for police services from the county or city
12 pursuant to Section 54981 of the Government Code, or
13 necessary duties with respect to the patrons, employees,
14 and properties of the employing county, city, or
15 contracting entities.

16 (b) A sheriff's or police security officer is not a peace
17 officer nor a public safety officer as defined in Section
18 3301 of the Government Code. A sheriff's or police
19 security officer may carry or possess a firearm, baton, and
20 other safety equipment and weapons authorized by the
21 sheriff or police chief while performing the duties
22 authorized in this section, and under the terms and
23 conditions specified by the sheriff or police chief. These
24 persons may not exercise the powers of arrest of a peace
25 officer, but may issue citations for infractions if
26 authorized by the sheriff or police chief.

27 (c) Each sheriff's or police security officer shall
28 satisfactorily complete a course of training as specified in
29 Section 832 ~~within 90 days of assuming~~ *prior to being*
30 *assigned to perform* his or her duties. Nothing in this
31 subdivision shall preclude the sheriff or police chief from
32 requiring additional training requirements.

33 (d) Notwithstanding any other law, nothing in this
34 section shall be construed to confer any authority upon
35 any sheriff's or police security officer except while on
36 duty, or confer any additional retirement benefits to
37 persons employed within this classification.

1 SEC. 2. Section 12002 of the Penal Code is amended
2 to read:

3 12002. (a) Nothing in this chapter prohibits police
4 officers, special police officers, peace officers, or law
5 enforcement officers from carrying any wooden club,
6 baton, or any equipment authorized for the enforcement
7 of law or ordinance in any city or county.

8 (b) Nothing in this chapter prohibits a uniformed
9 security guard, regularly employed and compensated as
10 such by a person engaged in any lawful business, while
11 actually employed and engaged in protecting and
12 preserving property or life within the scope of his or her
13 employment, from carrying any wooden club or baton if
14 the uniformed security guard has satisfactorily completed
15 a course of instruction certified by the Department of
16 Consumer Affairs in the carrying and use of the club or
17 baton. The training institution certified by the
18 Department of Consumer Affairs to present this course,
19 whether public or private, is authorized to charge a fee
20 covering the cost of the training.

21 (c) The Department of Consumer Affairs, in
22 cooperation with the Commission on Peace Officer
23 Standards and Training, shall develop standards for a
24 course in the carrying and use of the club or baton.

25 (d) Any uniformed security guard who successfully
26 completes a course of instruction under this section is
27 entitled to receive a permit to carry and use a club or
28 baton within the scope of his or her employment, issued
29 by the Department of Consumer Affairs. The department
30 may authorize certified training institutions to issue
31 permits to carry and use a club or baton. A fee in the
32 amount provided by law shall be charged by the
33 Department of Consumer Affairs to offset the costs
34 incurred by the department in course certification,
35 quality control activities associated with the course, and
36 issuance of the permit.

37 (e) Any person who has received a permit or
38 certificate which indicates satisfactory completion of a
39 club or baton training course approved by the
40 Commission on Peace Officer Standards and Training

1 prior to January 1, 1983, shall not be required to obtain a
2 baton or club permit or complete a course certified by the
3 Department of Consumer Affairs.

4 (f) Any person employed as a county sheriff's or police
5 security officer, as defined in Section 831.4, shall not be
6 required to obtain a club or baton permit or to complete
7 a course certified by the Department of Consumer Affairs
8 in the carrying and use of a club or baton, provided that
9 the person completes a course approved by the
10 Commission on Peace Officer Standards and Training in
11 the carrying and use of the club or baton, within 90 days
12 of employment.

